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TAGS: [PGOV](#) [PREL](#) [UP](#)
SUBJECT: PRESIDENTIAL ELECTION FIRST ROUND: YANUKOVYCH
AHEAD BY TEN POINTS; OBSERVERS REPORT FREE AND FAIR

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SUMMARY

11. (SBU) Opposition leader Viktor Yanukovych has held on to his ten point lead over PM Yuliya Tymoshenko with almost 99% of votes counted in the January 17 presidential election. Observers have called the election generally free and fair. The OSCE ODIHR mission called the election "high quality," Ukrainian NGO the Committee of Voters of Ukraine said there is no reason to question the accuracy of the results, and ENEMO observers said it was a "significant improvement over 2004." Front runners Yanukovych and Tymoshenko will face off in a second round match-up on February 7. Tymoshenko has publicly called on the voters of other "democratic" candidates to back her in the second round, but a number of the candidates themselves have announced they will not formally support her. Yanukovych asserted that his ten point lead over Tymoshenko will assure him of a second round victory. Privately some campaign advisors admit that the results are closer than they expected and that the second round will be a "real campaign." End Summary.

YANUKOVYCH UP BY TEN

12. (U) With 98.99% of the vote counted the Central Election Commission (CEC) is reporting the following results:

Viktor Yanukovych	35.39%
Yuliya Tymoshenko	25.01
Serhiy Tihipko	13.01
Arseniy Yatsenyuk	6.96
Viktor Yushchenko	5.48
Petro Symonenko	3.55
Volodymyr Lytvyn	2.34
Oleh Tyahnybok	1.43
Against All Candidates	2.2

The remaining ten candidates received less than one percent. No candidate was able to garner more than 50 percent of the vote, so a second round election will be held between Yanukovych and Tymoshenko on February 7. Voter turnout was 66.7 percent. The CEC announced January 18 that they have received no formal complaints from any presidential candidates over the conduct of the election.

OBSERVERS: ELECTION WELL RUN, FREE AND FAIR

13. (U) International and domestic observers reported a generally well run election that meets international standards. The OSCE ODIHR preliminary report calls the elections "high quality" and that they "met most OSCE and

Council of Europe commitments." ODIHR called election day "efficient and orderly," but noted that Ukraine needs to improve the quality of its national voter registry and clarify the regulations on home voting prior to the February 7 runoff. The European Network of Election Monitoring Organizations (ENEMO) observation mission, funded by USAID through the National Democratic Institute, said that the election was a "significant improvement over 2004" and that election violations were "isolated." ENEMO highlighted widespread "procedural and organizational problems" with voter lists and "at home" voting.

¶4. (U) The International Republican Institute (IRI) said that the election "broadly met international standards" and is a "positive step forward in building democratic institutions in Ukraine." IRI also criticized the quality of voter lists generated by the national voter registry and the lack of clear instructions to election precincts on how to amend lists on election day. The Committee of Voters of Ukraine (CVU), the country's largest election NGO, noted that while there were some procedural problems, specifically confusion over the regulations for home voting and making changes to the voter rolls on election day, they observed nothing that would call in to question the official results.

CANDIDATES SPEAK OUT, NEXT STEPS

¶5. (SBU) Prime Minister Tymoshenko, after the announcement of exit polls, welcomed the election results and assured her supporters that she was well positioned for a second round victory. She called on the supporters of "fellow democratic candidates" Serhiy Tihipko, Arseniy Yatsenyuk, President Viktor Yushchenko and Anatoliy Hrytsenko to back her

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candidacy in the February 7 runoff to avoid having a "convict" as a president. First Deputy Prime Minister and Tymoshenko campaign chairman Oleksandr Turchynov announced January 18 that his team would not file any appeals with the courts over first round voting. He alleged, however, that three percent attributed to Yanukovych was due to fraud.

¶6. (SBU) Yanukovych campaign spokesperson and MP Hanna Herman told an election night press conference that the election results showed that voters rejected the "orange revolution" and want stability and economic growth. She said that Yanukovych's margin of victory in the first round meant that he would easily best Tymoshenko in the runoff. Privately, however, some Yanukovych campaign advisors tell us that the margin of victory is smaller than their internal numbers predicted and that the second round "will be a battle" and a "real campaign." Yanukovych's Party of Regions January 18 gathered about three thousand supporters in front of the CEC to celebrate his victory and "ensure there is no repeat of 2004" when Yanukovych's victory was thrown out by the courts. Embassy attended the rally, which was peaceful and orchestrated.

EMBASSY OBSERVERS

¶7. (SBU) Embassy dispatched 17 teams of observers--five in Kyiv and 12 to various cities and regions in Ukraine. Reports by Embassy observers generally supported the ODIHR, IRI, ENEMO and CVU conclusions. There was confusion in many precincts over the rules regarding changes to the voter list on election day and for home voting. Much of this confusion was driven by contradictory public pronouncements from the Tymoshenko and Yanukovych campaigns of how the CEC or courts had interpreted the rules.

COMMENT

18. (SBU) The ten percent difference between the two candidates is enough to keep the race competitive for the second round. Tymoshenko's primary challenge will be to rally disaffected 2004 Orange voters. Centrist candidate Tigipko's 13 percent exceeded predictions; both candidates will make a major play to appeal to these voters. Significant court challenges are more likely after the second round, especially if results are close. However, the generally free and fair verdict rendered by international observers, if replicated in the second round, may constrain that option. We expect Tymoshenko to continue to go negative against Yanukovich as a way to rally Orange voters.

TEFFT